IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 901 of 2005

Between:

B.Totaiah, S/o.Siddi Ramulu, R/o.H.No.4-43-170, Venkateshwar Nagar Jagathgirigutta, Balanagar, R.R.District.

..... PETITIONER

AND

1 The Joint collector, Ranga Reddy District Lakdikapool, Hyderabad.
2 Special Grade Deputy Collector, Revenue Divisional Officer,

Chevella, Rajendra Nagar Ring Road, Ranga Reddy District.
3 Anitha, W/o.Shiva Raj, R/o.13-1-24/2, Babuguda, Kukatpally

Municipality, R.R.District.
4 D.Vanaja, W/o.Rajasekhar, R/o.Prashanth Nagar, Kukatpally, Ranga

Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ more particularly one in the nature of writ of Certiorari, calling for the records pertaining to the Proceedings Lr.No.E/498/2004, Dt.17.1.05, issued by the Respondent No.2 and quash the same and consequently to direct the Respondent No.2 to appoint me as Fair Price Shop Dealer of Ramarao Nagar and Prashanthnagar, Kukatpally, Balanagar Mandal, R.R.District and pass such other order or orders.

Counsel for the Petitioner: MR.P.INDRA PRAKASH

Counsel for Respondents 1 and 2: GP FOR CIVIL SUPPLIES

Counsel for Respondents 3 and 4: --NOne

The Court at the stage of admission made the following ORDER:

Petitioner claims to have submitted applications in respect of three fair price shops, namely Prasanth Nagar, Yellamma Banda and Ramarao Nagar, in response to a notification issued by the second respondent for appointment of dealers for fair price shops in his division. His grievance is that the second respondent has selected respondents 3 and 4, who are non-local candidates, for shops at Prasanth Nagar and Ramarao Nagar. He proposes to challenge the same in this writ petition.

The petitioner contends that one of the conditions under the notification is that the candidate shall be a resident of the concerned area, whereas respondents are residents of different places. He contends that respondents 3 and 4 are not qualified to be appointed as dealers and submits that the order of appointment, through memo, dated 17.01.2005, deserves to be set aside.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The question as to whether respondents 3 and 4 are qualified to be appointed as dealers, can be decided only on verification of necessary records. An appeal is provided to the first respondent under Clause 20 of the Andhra Pradesh State Public Distribution System Control Order, 2001, against the order passed by the appointing authority. The first respondent will be in a better position to appreciate and examine as to whether respondents 3 and 4 are qualified to be

appointed as dealers, duly verifying the records.

Hence, the writ petition is disposed of, leaving it open to the petitioner to avail the remedy of appeal before the first respondent. Any steps that are taken in the meanwhile shall be subject to the orders that may be passed by the first respondent in the appeal preferred by the petitioner. There shall be no order as to costs.

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28.01.2005

Note: Issue C.C. in three days.

(B/o)

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To

1 The Joint collector, Ranga Reddy District Lakdikapool, Hyderabad.
2 Special Grade Deputy Collector, Revenue Divisional Officer, Chevella, Rajendra Nagar Ring Road, Ranga Reddy District.
3 Two C.Cs. to the Government Pleader for Civil Supplies, High Court of A.P., Hyderabad, (OUT).

4 Two C.D. Copies.